

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
LIANG, ET AL.)	Examiner:
)	
Serial No. 10/070,560)	Art Unit:
)	
Filed: September 14, 2000)	
)	
For: METHOD OF PRODUCING AND PURIFYING)	
ENDOSTATIN PROTEIN)	

PETITION UNDER 37 C.F.R. § 1.47(A) FOR AN UNCOOPERATIVE INVENTOR

Commissioner of Patents & Trademarks
Box Petitions
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.47(a), Applicants request the Commissioner to find that Lourdes L. Bermejo is an uncooperative inventor and enter Power of Attorney documents signed by the other co-inventors. The Power of Attorney documents are filed herewith. Lourdes L. Bermejo refuses to sign documents relating to the prosecution of the above-referenced application. Applicants have used diligent efforts in communicating with Ms. Bermejo and she continues to refuse to cooperate. The facts of that diligent effort are detailed below.

1. On May 8, 2001, Applicants' representative sent correspondence to Ms. Bermejo's employer at the time of invention, Covance Biotechnology Services, Inc. ("Covance"), requesting their assistance in obtaining execution of Declaration and Assignment documents from several of the inventors, including Ms. Bermejo. See Exhibit A

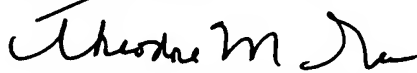
2. On May 10, 2001, Applicants' representative sent correspondence to Covance including corrected documents and again requesting their assistance in obtaining

09/19/2002 LLANDRA 00000044 10070560

02 FC:122

130.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, DC 20231, on September 12, 2002.



Theodore M. Green - Reg. No. 41,801

execution of Declaration and Assignment documents from several of the inventors, including Ms. Bermejo. See Exhibit B.

3. On March 8, 2002, Applicants representative sent follow-up correspondence to Covance including additional copies of the Declaration and Assignment documents and again requesting their assistance in obtaining execution of these documents from several of the inventors, including Ms. Bermejo. See Exhibit C.

4. On April 26, 2002, Applicants representative sent a reminder to Covance comprising a photocopy of the letter from March 8, 2002. See Exhibit D.

5. On August 6, 2002, after being informed that Ms. Bermejo no longer was employed by Covance, Applicants' representative sent a Declaration and Assignment to Ms. Bermejo at her residence address. The documents were sent via Federal Express. The documents were returned as undelivered. See Exhibit E.

6. In the interim, Applicants' representative has obtained the execution of Declaration and Assignment from all of the other inventors, including those that worked at Covance.

Applicants' representatives have repeatedly attempted to contact Ms. Bermejo and obtain her execution of the Declaration and Assignment documents. Ms. Bermejo has refused to respond and therefore has refused to cooperate with the prosecution of the above-referenced patent application. She refuses to execute documents necessary for the prosecution of the above-referenced patent. Therefore, Applicants request that the Commissioner find Lourdes L. Bermejo to be an uncooperative inventor. Furthermore, Applicants request that the Declaration and Power of Attorney be entered and Kilpatrick Stockton, LLP be appointed representatives of the Applicants for prosecution.

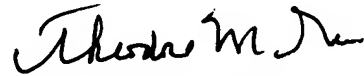
The Commissioner is encouraged to contact the undersigned attorney of record by telephone at (404)-815-6500 if such contact would facilitate the grant of this Petition.

The appropriate fee of \$130.00 as required by 37 C.F.R. § 1.17(h) accompanies this Petition.

Serial No. 10/070,560
File No. 05213-0551US

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



By: Theodore M. Green
Reg. No. 41,801

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309-4530
404/815-6500
Atty. Docket: 05213-0551US
Atty. File: 43170-258385

KILPATRICK STOCKTON LLP

Attorneys at Law
2400 Monarch Tower
3424 Peachtree Road, NE
Atlanta, Georgia 30326
Telephone: 404.949.3999
Facsimile: 404.949.3990
Web site: www.kilpatrickstockton.com

FILE COPY

May 8, 2001

E-mail: CSpain@KilpatrickStockton.com
Direct Dial: 404.949.2469

4461

Ms. Laura Sharpe
Covance Biotechnology Services, Inc.
6501 Weston Parkway
Suite 200
Cary, NC 27513

VIA FEDERAL EXPRESS

Re: International Patent Application No. PCT/US00/25166
Entitled: Method of Producing and Purifying Endostatin Protein
Our File: 05213-0551WP (KS: 43170-247092) and 05213-0551US

Dear Ms. Sharpe:

Pursuant to instructions from Mr. Lias, we are requesting your assistance in obtaining signatures from certain inventors that are located at Covance on the documents described herein.

In order to complete the filing requirements for the above-referenced international patent application, we must submit Assignment Nunc Pro Tunc documents executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. These Assignments transfer the full, exclusive and entire right, title and interest to the patent application, including all divisions, continuations and reissues thereof to Covance Biotechnology Services, Inc. If the enclosed Assignment Nunc Pro Tunc documents are accurate, please have each of the inventors referenced above sign and date their respective document where indicated and return them to us at your earliest convenience.

Further, we are filing a U.S. national phase patent application directed to the above-referenced international patent application. In order to complete the filing requirements in the U.S. Patent and Trademark Office, we must submit a Declaration and Power of Attorney executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. If the enclosed Declaration and Power of Attorney documents are accurate, please have each of the inventors referenced above sign and date their respective document where indicated and return them to us at your earliest convenience.

KILPATRICK STOCKTON LLP

Ms. Laura Sharpe

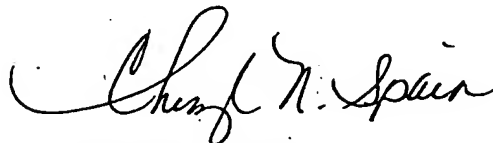
May 8, 2001

Page 2

If you have any questions or require additional information, please do not hesitate to contact us.

Thank you for your assistance.

Cordially yours,



Cheryl N. Spain
Paralegal

CNS/lmm

Enclosures

cc: James Dean Johnson, Ph.D.
John K. McDonald, Ph.D.

KILPATRICK STOCKTON LLP

Attorneys at Law
2400 Monarch Tower
3424 Peachtree Road, NE
Atlanta, Georgia 30326
Telephone: 404.949.3999
Facsimile: 404.949.3990

Web site: www.kilpatrickstockton.com

FILE COPY

May 10, 2001

E-mail: CSpain@KilpatrickStockton.com
Direct Dial: 404.949.2469

Ms. Laura Sharpe
Covance Biotechnology Services, Inc.
6501 Weston Parkway
Suite 200
Cary, NC 27513

VIA FEDERAL EXPRESS

Re: International Patent Application No. PCT/US00/25166
Entitled: Method of Producing and Purifying Endostatin Protein
Our File: 05213-0551WP (KS: 43170-247092) and 05213-0551US

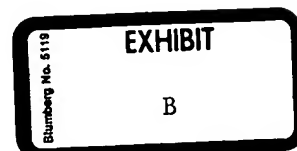
Re: International Patent Application No. PCT/US00/32843
Entitled: Method of Producing and Purifying Angiostatin Protein
Our File: 05213-0561WP and -0561US (KS: 43170-250438, 258386)

Dear Ms. Sharpe:

Pursuant to our telephone conversation, we are enclosing *corrected* documents for execution by the inventors that are located at Covance for International Patent Application No. PCT/US00/25166, entitled "Method of Producing and Purifying Endostatin Protein."

We are also enclosing documents for execution by these same inventors for International Patent Application No. PCT/US00/32843, entitled "Method of Producing and Purifying Angiostatin Protein."

In order to complete the filing requirements for the above-referenced international patent applications, we must submit Assignment Nunc Pro Tunc documents executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. These Assignments transfer the full, exclusive and entire right, title and interest to the patent applications, including all divisions, continuations and reissues thereof to Covance Biotechnology Services, Inc. If the enclosed Assignment Nunc Pro Tunc documents are accurate, please have each of the inventors referenced above sign and date where indicated and return them to us at your earliest convenience.



KILPATRICK STOCKTON LLP

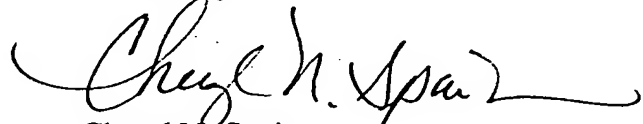
Ms. Laura Sharpe
May 10, 2001
Page 2

Further, we are filing U.S. national phase patent applications directed to the above-referenced international patent applications. In order to complete the filing requirements in the U.S. Patent and Trademark Office, we must submit a Declaration and Power of Attorney in each of the U.S. national phase patent applications executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. If the enclosed Declaration and Power of Attorney documents are accurate, please have each of the inventors referenced above sign and date where indicated and return them to us at your earliest convenience.

If you have any questions or require additional information, please do not hesitate to contact us.

Thank you for your assistance.

Cordially yours,



Cheryl N. Spain
Paralegal

CNS/lmm
Enclosures

cc: James Dean Johnson, Ph.D.
John K. McDonald, Ph.D.

FILE COPY

March 8, 2002

direct dial 404 745 2470
direct fax 404 541 3297
JMcDonald@KilpatrickStockton.com

VIA FEDERAL EXPRESS

Roger Lias, Ph.D.
Diosynth RTP Inc.
6501 Weston Parkway, Suite 200
Cary, North Carolina 27513

Re: U.S. National Phase Application of
International Patent Application No. PCT/US00/25166
Entitled: "METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN"
Our File No.: 05213-0551US (43170-258385), 05213-0551WP (43170-247092)

Dear Dr. Lias:

05213-0551US – National Phase Patent Application

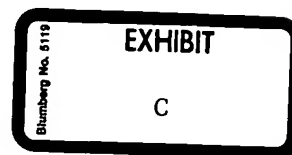
In order to complete the filing requirements in the U.S. Patent Office for the above-referenced National Phase application filed today, we must submit a Declaration and Power of Attorney. If the enclosed Declaration and Power of Attorney is accurate, please have the inventors sign and date the document where indicated.

We would appreciate your returning these documents to us at your earliest convenience in order to obtain an official filing date of the referenced application. An National Phase patent application filed in the U.S. Patent Office does not receive an "official" filing date until all parts of the application are filed, including the Declaration and Power of Attorney

05213-0551WP – PCT International Patent Application

It is our understanding that Covance Biotechnology Services, Inc. was purchased from Covance, Inc. in 2001 by Diosynth BV, and the corporate name was changed to Diosynth RTP Inc. It is our further understanding that the inventors employed by Covance Biotechnology Services, Inc. are under contractual obligation to assign their entire rights in the PCT international application to Covance Biotechnology Services, Inc. This assignment covers any related patent applications filed after the PCT international application, including the above-referenced U.S. National Phase application.

Since we are not familiar with the terms of the acquisition of Covance Biotechnology Services, Inc. from Diosynth BV, we cannot determine the appropriate method of transferring ownership, i.e. is this merely a change in the corporate name of Covance



Roger Lias, Ph.D.
March 8, 2002
Page 2

Biotechnology Services, Inc., or, as it appears, is Covance Biotechnology Services, Inc. under new ownership?

We are enclosing an Assignment Nunc Pro Tunc for execution by the Covance inventors to Covance Biotechnology Services, Inc. since this was the correct corporate name of the assignee at the time the PCT international application was filed (September 14, 2000). Please let us know if you wish for us to prepare an Assignment from Covance Biotechnology Services, Inc. to Diosynth RTP Inc., assuming this is the entity who now owns the rights in the application and not Diosynth BV or Akzo Nobel.

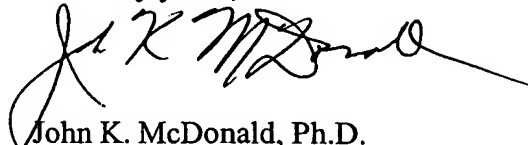
It may be possible to effectuate a name change of the assignee (originally Covance Biotechnology Services, Inc.) simply by filing a certified copy of the Change of Corporate Name that was filed with the Delaware Secretary of State's Office with the U.S. Patent and Trademark Office. The official fee for obtaining a certified copy of the Change of Corporate Name is \$20.00, and there is a \$40.00 fee for recording the Change of Corporate Name with the U.S. Patent and Trademark Office. We will need authorization from you to obtain this document and a check from Diosynth RTP Inc in the amount of \$60.00, payable to "Kilpatrick Stockton LLP" if this is the procedure we follow.

If a new Assignment is not executed or the Change of Corporate Name document is not filed with the U.S. Patent and Trademark Office, the U.S. National Phase application will ultimately issue in the name of Covance Biotechnology Services, Inc., as the original assignee of the PCT International application.

We will not file any documents with the U.S. Patent and Trademark Office to effectuate the change in corporate name or new ownership without obtaining instructions from you to do so.

If you have any questions or require additional information, please do not hesitate to contact us.

Cordially yours,



John K. McDonald, Ph.D.

JKM/CNS:cs

Enclosures

cc: David L. Entin (w/o enclosures)
Shirley E. Brosmore (w/enclosures)



Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

March 8, 2002

direct dial 404 745 2470
direct fax 404 541 3297
JMcDonald@KilpatrickStockton.com

VIA FEDERAL EXPRESS

Roger Lias, Ph.D.
Diosynth RTP Inc.
6501 Weston Parkway, Suite 200
Cary, North Carolina 27513

REMINDER
(April 26, 2002)

Re: U.S. National Phase Application of
International Patent Application No. PCT/US00/25166.
Entitled: "METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN"
Our File No.: ~~05213-0551US~~ (43170-258385), 05213-0551WP (43170-247092)

Dear Dr. Lias:

05213-0551US – National Phase Patent Application

In order to complete the filing requirements in the U.S. Patent Office for the above-referenced National Phase application filed today, we must submit a Declaration and Power of Attorney. If the enclosed Declaration and Power of Attorney is accurate, please have the inventors sign and date the document where indicated.

We would appreciate your returning these documents to us at your earliest convenience in order to obtain an official filing date of the referenced application. An National Phase patent application filed in the U.S. Patent Office does not receive an "official" filing date until all parts of the application are filed, including the Declaration and Power of Attorney

05213-0551WP – PCT International Patent Application

It is our understanding that Covance Biotechnology Services, Inc. was purchased from Covance, Inc. in 2001 by Diosynth BV, and the corporate name was changed to Diosynth RTP Inc. It is our further understanding that the inventors employed by Covance Biotechnology Services, Inc. are under contractual obligation to assign their entire rights in the PCT international application to Covance Biotechnology Services, Inc. This assignment covers any related patent applications filed after the PCT international application, including the above-referenced U.S. National Phase application.

Since we are not familiar with the terms of the acquisition of Covance Biotechnology Services, Inc. from Diosynth BV, we cannot determine the appropriate method of transferring ownership, i.e. is this merely a change in the corporate name of Covance

ATLLIB02 74015.1

ATLANTA AUGUSTA BRUSSELS CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM

Shimberg No. 5110

EXHIBIT

D

Roger Lias, Ph.D.
March 8, 2002
Page 2

Biotechnology Services, Inc., or, as it appears, is Covance Biotechnology Services, Inc. under new ownership?

We are enclosing an Assignment Nunc Pro Tunc for execution by the Covance inventors to Covance Biotechnology Services, Inc. since this was the correct corporate name of the assignee at the time the PCT international application was filed (September 14, 2000). Please let us know if you wish for us to prepare an Assignment from Covance Biotechnology Services, Inc. to Diosynth RTP Inc., assuming this is the entity who now owns the rights in the application and not Diosynth BV or Akzo Nobel.

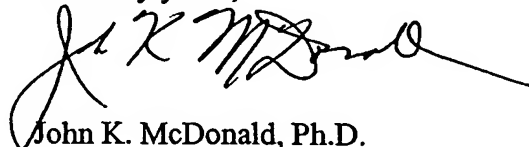
It may be possible to effectuate a name change of the assignee (originally Covance Biotechnology Services, Inc.) simply by filing a certified copy of the Change of Corporate Name that was filed with the Delaware Secretary of State's Office with the U.S. Patent and Trademark Office. The official fee for obtaining a certified copy of the Change of Corporate Name is \$20.00, and there is a \$40.00 fee for recording the Change of Corporate Name with the U.S. Patent and Trademark Office. We will need authorization from you to obtain this document and a check from Diosynth RTP Inc in the amount of \$60.00, payable to "Kilpatrick Stockton LLP" if this is the procedure we follow.

If a new Assignment is not executed or the Change of Corporate Name document is not filed with the U.S. Patent and Trademark Office, the U.S. National Phase application will ultimately issue in the name of Covance Biotechnology Services, Inc., as the original assignee of the PCT International application.

We will not file any documents with the U.S. Patent and Trademark Office to effectuate the change in corporate name or new ownership without obtaining instructions from you to do so.

If you have any questions or require additional information, please do not hesitate to contact us.

Cordially yours,

A handwritten signature in black ink, appearing to read "John K. McDonald", with a long horizontal flourish extending to the right.

John K. McDonald, Ph.D.

JKM/CNS:cs

Enclosures

cc: David L. Entin (w/o enclosures)
Shirley E. Brosmore (w/enclosures)

ATLLIB02 74015.1

August 6, 2002

direct dial 404 745 2415
direct fax: 404 541 3220
NGreen@KilpatrickStockton.com

Ms. Lourdes Bermejo
112 Durston Loop
Morrisville, NC 27560

VIA FEDERAL EXPRESS

Re: U.S. National Phase Patent Application of
International Patent Application No. PCT/US00/25166 entitled
METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN
Our File: 05213-0551US (43170-258385)

Dear Ms. Bermejo:

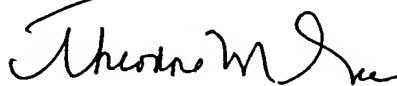
In order to complete the filing requirements in the U.S. Patent and Trademark Office for the above-referenced National Phase patent application filed on March 8, 2002, we must submit a Declaration and Power of Attorney (*revised*). Please sign and date the enclosed document where indicated and return it to us as soon as possible. We must file the enclosed Declaration and Power of Attorney no later than **August 12, 2002**.

Also enclosed is an Assignment Nunc Pro Tunc transferring your rights in the above-referenced invention to Covance Biotechnology Services Inc. Please sign and date the enclosed Assignment and return it to us when you return the executed Declaration and Power of Attorney.

Please do not hesitate to contact us if you have any questions regarding this matter.

Cordially yours,

KILPATRICK STOCKTON LLP



By: Theodore M. Green

TMG:fy
Enclosures
cc: David L. Entin
Shirley E. Brosmore w/enclosures

®

Express

34

The World

PowerShip

Align top of FedEx PowerShip label here.

FedEx
Express

EXCEPTION / SEND AGAIN
Customer's Package/Shipment was delayed due to

FOR IN STATION USE ONLY

☐ Package Researched Date: _____ Initial: _____

Comments: _____

☐ Address is correct/Recipient no longer at this address

☐ Incorrect recipient address/incomplete recipient address

☐ Need apartment or suite number

☐ Recipient moved and left no forwarding address or phone number

☒ ~~Not in Business~~ Business closed / Not authorized to leave shipmen without a signature

☒ ~~1st Attempt~~ 2nd Attempt ☐ 3rd Attempt

☐ Signature required, please contact shipper for disposition

☐ Holiday - Closed

☐ Package not attempted (reason): _____

☐ Refused (reason): _____

☐ Future delivery, Reattempt on (date): _____

☐ Recipient requested hold for pickup

☐ Collect on Delivery, Payment not available, Reattempt to be made on (date): _____

☐ Bill recipient shipment, Payment not available, Reattempt to be made on (date): _____

☐ Other: _____

Post here

Date: 8-7-02 Employee #: 37111A

POD MUST BE OBTAINED WHEN DELIVERY IS COMPLETED.

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.: 05213-0551US (43170-258385)

In re Application of: **Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method of Producing and Purifying Endostatin Protein**, the specification of which:

☐ is attached hereto.

☒ was filed on September 14, 2000 as Application No. PCT/US00/25166.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/153,698</u>	<u>September 14, 1999</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Customer Number 23370**

o
Direct all correspondence to: Customer Number 23370

AFFIX BAR
CODE LABEL
HERE



Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of second inventor, if any: <u>Hong Liang</u>	Citizenship: <u>United States of America</u>
Inventor's signature <u>[Signature]</u>	Date: <u>3/18/02</u>
Residence and Post Office Address: <u>852 Bayridge Drive, Gaithersburg, MD 20878</u>	<u>MD</u>

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's Document No.: 05213-0551US (43170-258385)

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method of Producing and Purifying Endostatin Protein**, the specification of which:

☐ is attached hereto.

☒ was filed on September 14, 2000 as Application No. PCT/US00/25166.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/153,698</u>	<u>September 14, 1999</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Customer Number 23370**

Direct all correspondence to: **Customer Number 23370**

AFFIX BAR
CODE LABEL
HERE



Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of sole or first inventor:	<u>Kim Lee Sim</u>	Citizenship:	<u>United States of America</u>
Inventor's signature	<u>Kim Lee Sim</u>	Date:	<u>3/15/02</u>
Residence and Post Office Address:	<u>308 Argosy Drive, Gaithersburg, MD 20850 MD</u>		

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.: 05213-0551US (43170-258385)

In re Application of: **Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Method of Producing and Purifying Endostatin Protein**, the specification of which:

☐ is attached hereto.

☒ was filed on **September 14, 2000** as Application No. **PCT/US00/25166**.

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Application No.CountryFiling DatePriority Claimed Under 35 USC §119

Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/153,698

(Application No.)

September 14, 1999

(Filing Date)

(Application No.)

(Filing Date)

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Application Serial No.Filing DateStatus: patented, pending, abandoned

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AFFIX BAR
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HERE

**23370**

PATENT TRADEMARK OFFICE

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of sole or first inventor: <u>Amy Chang-Murad</u>	Citizenship: <u>United States of America</u>
Inventor's signature: <u>[Signature]</u>	Date: <u>3/18/02</u>
Residence and Post Office Address: <u>1906 Blankenship Drive, DeRidder, LA 70634</u>	<u>LA</u>

☐

Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.: 05213-0551US (43170-258385)

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

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<u>60/153,698</u>	<u>September 14, 1999</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

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23370

PATENT TRADEMARK OFFICE

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of sole or first inventor: <u>Xinhua Zhou</u>	Citizenship: <u>United States of America</u>
Inventor's signature: <u>[Signature]</u>	Date: <u>3/13/02</u>
Residence and Post Office Address: <u>14628 Boat House Way, North Potomac, MD 20878</u>	

are being named on separately numbered sheets attached hereto.

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Typo error:
Should be
XINHUA, see page
#17

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.: 05213-0551US (43170-258385)

In re Application of: **Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher**

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

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Direct all correspondence to: **Customer Number 23370**

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HERE



Direct telephone calls at **404-815-6500**, to **John K. McDonald, Ph.D.**

Full name of sole or first inventor: <u>John Madsen</u>	Citizenship: <u>United States of America</u>
Inventor's signature: <u>John Madsen</u>	Date: <u>3-12-02</u>
Residence and Post Office Address: <u>4409 Canton Avenue, Jefferson, MD 21755</u>	<u>MD</u>

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's L No.: 05213-0551US (43170-258385)

In re Application of: Hong Lian, [redacted] Lee Sim, Xinhua Zhou, John Madsen, Amy C. [redacted] Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher
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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

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<u>60/153,698</u>	<u>September 14, 1999</u>		
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Direct all correspondence to: Customer Number 23370

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HERE



Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of sole or first inventor:	<u>Renee J. Boerner</u>	Citizenship:	<u>United States of America</u>
Inventor's signature:	<u>Renee J. Boerner</u>	Date:	<u>05 02 02</u>
Residence and Post Office Address:	<u>106 Carterwood Court, Apex, NC 27502 NC</u>		

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's Ltr. No.: 05213-0551US (43170-258385)

In re Application of: Hong Lian, Lee Sim, Xinhua Zhou, John Madsen, Amy Choudhury, Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher
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			Yes _____ No _____

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Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

PATENT TRADEMARK OFFICE

Full name of third inventor, if any:	<u>Firoz Rustom Mistry</u>	Citizenship:	<u>India</u>
Inventor's signature:	<u>[Signature]</u>	Date:	<u>April 30, 2002</u>
Residence and Post Office Address:	<u>113 Hampshire Place, Chapel Hill, NC 27516 NC</u>		

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER ATTORNEY

Attorney's Internet No.: 05213-0551US (43170-258385)

In re Application of: Hong Lia, Jim Lee Sim, Xinhua Zhou, John Madsen, Amy C. Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher
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PATENT TRADEMARK OFFICE

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of fourth inventor, if any: <u>Scot R. Shepard</u>	Citizenship: <u>United States of America</u>
Inventor's signature: <u>Scot R. Shepard</u>	Date: <u>05/01/02</u>
Residence and Post Office Address: <u>1028 Swift Creek Drive, Clayton, NC 27520</u>	

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER OF ATTORNEY

Attorney's Application No.: 05213-0551US (43170-258385)

In re Application of: Hong Li, Jim Lee Sim, Xinhua Zhou, John Madsen, Amy C. Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher
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PATENT TRADEMARK OFFICE

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Full name of fourth inventor, if any: <u>Jeffrey L. Schrimsher</u>	Citizenship: <u>United States of America</u>
Inventor's signature: <u>Jeffrey L. Schrimsher</u>	Date: <u>04-30-2002</u>
Residence and Post Office Address: <u>2411 Hardwood Lane, Hillsborough, NC 27278</u>	<u>NC</u>

☐ Additional inventors are being named on separately numbered sheets attached hereto.